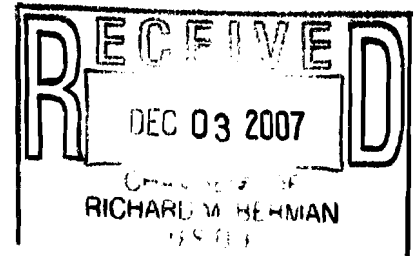


**MEMO ENDORSED**

**DALLYN & FORTUNA LLP**  
ATTORNEYS AT LAW  
200 MADISON AVENUE, 5TH FLOOR  
NEW YORK, NEW YORK 10016-3903

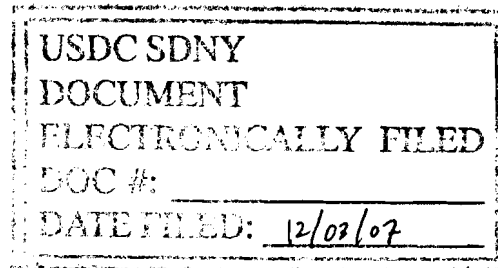
(212) 213-8844  
FACSIMILE (212) 213-3318  
WWW.ALLYNFORTUNA.COM



December 3, 2007

**BY HAND**

Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Re: CIRCA INC. v. Mel Bernie and Company  
Civ. No: 07CIV10265

Dear Judge Berman:

My firm is counsel to the defendant in the above-referenced matter. I am writing to request that the time to answer to the complaint or file a pre answer motion be extended to January 4, 2008. Also, we request that the rule 16 conference which is currently scheduled for December 20<sup>th</sup>, be adjourned to January 15, 2008.

Counsel for the plaintiff has consented to these requests.

Thank you for your consideration.

Sincerely,

*Andrew Fortner*  
Andrew Fortner

cc: Nicholas Gallo  
Gallo & Darmanian  
VIA FACSIMILE (212) 692-0875

Robert J. Basil  
Collier & Basil  
VIA FACSIMILE (831) 536-1075

APPLICATION GRANTED ON CONSENT.  
CONFERENCE IS ADJOURNED UNTIL  
1/15/08 AT 10:00 A.M.

**SO ORDERED:**

Date: 12/3/07

Richard M. Berman  
Richard M. Berman, U.S.D.J.